IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.1550 of 2007
Date of Decision:- 24.04.2008

Dhani Ram Punia ....Petitioner(s)

through
Mr.Varun Gupta, Advocate

vs.

Sh. Anurag Rastogi ....Respondent(s)

through
Mr.R.S.Kundu, Additional
Advocate General, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The petitioner, who had joined the Education Department, Haryana as a teacher in July, 1968, retired on attaining the age of superannuation on 30.4.2005. Before that the petitioner was placed under suspension on 22.9.2004, however, he was reinstated vide an order dated 22.4.2005.

The petitioner's retiral benefits were withheld, may be that some departmental action was contemplated against him. The petitioner represented but tired of inaction on the part of the departmental authorities, he approached this Court by way of C.W.P.No.19604 of 2006 which was disposed of on 11.12.2006 with a direction that the petitioner's claim contained in his representation dated 21.9.2006 be considered and decided within a period of two months.

Nothing was, however, done by the official respondents, thereby compelling the petitioner to initiate these contempt proceedings.

In response to the show cause notice, reply/affidavit has been filed by Mr.Anurag Rastogi, Director School Education, Haryana, which is taken on record. It is stated in the affidavit that the deponent has joined the Education Department, Haryana on 12.7.2007 and the matter regarding the petitioner's claim was put up before him only on 10.1.2008 when notice in these contempt proceedings was received. The petitioner's representation was thereafter decided by the Competent Authority vide order dated 30.1.2008 directing that his suspension period be treated as duty period for all intents and purposes.

As a consequence thereto, the retiral benefits have also been released to the petitioner vide PPO dated 2.4.2008/4.4.2008 (Annexure R-1).

As the facts would speak for themselves, nothing adverse has been found against the petitioner and his suspension period has also been treated as duty period for all intents and purposes.

The fact that the officials in the Directorate did not even place the petitioner's matter before the Competent Authority for consideration, simply reveals the grossest negligence and indifferent attitude towards a retiree. The intra-departmental mal-functioning, however, does not absolve the respondent or his seniors from the responsibility to set their own house in order.

The petitioner had obviously been a victim of the red-tapism for three good years and was deprived of the retiral benefits. The

respondent owes a duty to identify and take disciplinary action against the officials who are responsible for the petitioner's sufferings.

With these observations, this contempt petition is disposed of, however, with a clarificatory direction that the petitioner be compensated by paying interest at the rate of 9% per annum on the delayed payments which shall be released within a period of three months.

April 24, 2008 **(SURYA KANT)**
poonam **JUDGE**